



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Ecology

A.O. # 04-06

☒ **Permanent Rule**
☐ **Emergency Rule**

Effective date of rule:

Permanent Rules

☒ 31 days after filing.
Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

☐ **Emergency Rules**

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes ☐ No ☒ If Yes, explain:

Purpose: The department amended chapter 173-322 WAC, Remedial Action Grants and Loans, for the following reasons:

(1) **To implement new grant programs:** The department is amending the rule to implement the grant programs that were recently authorized under the Model Toxics Control Act (MTCA), chapter 70.105D RCW. Those grant programs include:

- The methamphetamine lab site assessment and cleanup grant program; and
- The derelict vessel remedial action grant program.

Pursuant to RCW 70.105D.070(7), the department must adopt rules to implement these new grant programs.

(2) **To implement an existing loan program:** Although MTCA previously authorized the establishment of a loan program, guidelines for such a program had never been established in the rule. The department is amending the rule to establish those guidelines.

(3) **To improve the operation of existing grant programs:** The department is making several specific amendments to improve the operation and utility of existing grant programs.

(4) **To improve the clarity and usability of the rule:** Ecology is reorganizing the rule to improve its clarity and usability.

Citation of existing rules affected by this order:

Repealed:

Amended: Chapter 173-322 WAC, Remedial Action Grants

Suspended:

Statutory authority for adoption: RCW 70.105D.070

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-20-076 on October 4, 2004 (date).

Describe any changes other than editing from proposed to adopted version:

In response to comments on the proposed amendments to chapter 173-322 WAC, Remedial Action Grants and Loans, the department made the following changes to the rule (other than editing):

- The final rule allows local governments to use insurance proceeds to meet the match requirement. See WAC 173-322-050(6).
- The final rule does not require local governments to enter into a reimbursement agreement with private parties before obtaining a grant for conducting area-wide ground water remedial action on property owned by private parties. See WAC 173-322-090(2).

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: 3/17/05

NAME (TYPE OR PRINT)

Jay Manning

SIGNATURE

TITLE

Director, Department of Ecology

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MARCH 18 2004

TIME 3:50 PM
WSR 05-07-104

(COMPLETE REVERSE SIDE)

Note: If any category is left blank, it will be calculated as zero.
No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|----------|---------|-------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | <u>2</u> | Amended | _____ | Repealed | _____ |

The number of sections adopted at the request of a nongovernmental entity:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-------|---------|-----------|----------|-------|
| New | _____ | Amended | <u>11</u> | Repealed | _____ |
|-----|-------|---------|-----------|----------|-------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|-------|----------|-------|
| Negotiated rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | _____ | Repealed | _____ |